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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 Phillip Mitchell,

10 Petitioner,

11 v.

12 State of Arizona, et al.,

13 Respondents.

No. CV-15-02229-PHX-JAT

14 **ORDER**

15 Pending before the Court is Petitioner's First Amended Petition for Writ of Habeas
16 Corpus ("Petition") and Petitioner's Motion to Stay/Motion to Amend. (See Doc. 29 at
17 1). On January 24, 2017, the Magistrate Judge to whom this case was assigned issued a
18 Report and Recommendation (Doc. 29) recommending that the Motion to Stay/Motion to
19 Amend be denied and that the Petition be dismissed with prejudice.

20 Neither party has filed objections to the Report and Recommendation.
21 Accordingly, the Court hereby accepts the Report and Recommendation. *See Thomas v.*
22 *Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to conduct
23 "any review at all . . . of any issue that is not the subject of an objection" (emphasis
24 added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)
25 ("statute makes it clear that the district judge must review the magistrate judge's findings
26 and recommendations *de novo if objection is made*, but not otherwise" (emphasis in
27 original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

28 Based on the foregoing,

1 **IT IS ORDERED** that the Magistrate Judge's Report and Recommendation (Doc.
2 29) is **ACCEPTED** as follows:

- 3 • Petitioner's Motion to Stay/Motion to Amend (Doc. 20) is denied,
4 • Petitioner's Amended Petition for Writ of Habeas Corpus (Doc. 5) is
5 dismissed with prejudice,
6 • in the event Petitioner files an appeal, issuance of a certificate of
7 appealability is denied (*see* Doc. 29 at 41-42), and
8 • the Clerk of the Court shall enter judgment of dismissal with prejudice.

9 Dated this 21st day of February, 2017.

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13 James A. Teilborg
14 Senior United States District Judge

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